

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID E. KAPLAN, et al.,

Plaintiffs,

- against -

S.A.C. CAPITAL ADVISORS, L.P., et al.,

Defendants.

No. 12 Civ. 9350 (VM)
(KNF)

BIRMINGHAM RETIREMENT AND RELIEF
SYSTEM, et al.,

Plaintiffs,

- against -

S.A.C. CAPITAL ADVISORS, L.P., et al.,

Defendants.

No. 13 Civ. 2459 (VM)
(KNF)

DECLARATION OF KYLE A. WIRSHBA

Kyle A. Wirshba declares:

1. I am an associate at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, attorneys for SAC in this action. I submit this declaration in support of SAC's motion to compel the production of Litigation Funding Documents by the Elan plaintiffs and their counsel.
2. Attached hereto as Exhibit A is a true and correct copy of SAC's First Set of Document Requests to Plaintiff David E. Kaplan dated September 19, 2014.
3. Attached hereto as Exhibit B is a true and correct copy of the letter from Michael E. Gertzman to Ethan D. Wohl dated January 9, 2015.

4. Attached hereto as Exhibit C is a true and correct copy of the letter from Gregg S. Levin to Michael E. Gertzman dated January 23, 2015.

5. Attached hereto as Exhibit D is a true and correct copy of the email from Paul Paterson to Gregg S. Levin dated January 30, 2015.

6. Attached hereto as Exhibit E is a true and correct copy of the letter from Gregg S. Levin to Paul Paterson dated February 5, 2015.

7. Attached hereto as Exhibit F is a true and correct copy of the letter from Audra J. Soloway to Hon. Kevin N. Fox dated February 17, 2015.

8. Attached hereto as Exhibit G is a true and correct copy of the letter from Ethan D. Wohl to Hon. Kevin N. Fox dated February 20, 2015

9. Attached hereto as Exhibit H is a true and correct copy Judge Marrero's Decision and Order filed on April 28, 2015 dismissing plaintiffs' RICO claims, *Kaplan v. S.A.C. Capital Advisors, L.P.*, 12 Civ. 9350, 2015 WL 2337360 (S.D.N.Y. April 28, 2015).

10. In accordance with 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: New York, New York
 May 25, 2015



Kyle A. Wirshba